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**DEC 13 2005**

**OFFICE OF PETITIONS**

In re  
**Salonaho et al.**  
Application No. 09/622,468  
Filing Date: March 19, 2001  
(IA date 1999)  
Attorney  
Docket: 876A.0010.U1 (US)

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:  
: RECONSIDERATION OF  
: PATENT TERM ADJUSTMENT  
:

This decision is in response to Applicants' REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT timely<sup>1</sup> filed on October 11, 2005 requesting that the Office reconsider the PTA determination in view of the delays not attributable to applicant.<sup>2</sup> The Office thanks applicants for their good faith and candor in bringing any alleged errors that favor applicants to the attention of the Office.

Applicants request for PTA reconsideration is **DISMISSED**.

Applicants do not assert any reasons why the determination of Zero (0) days of applicants delay is not accurate. Applicant submitted a list of entry dates for responses by both applicant and the Office but do not make any assertions as to why such would warrant more PTA.

Applicants' submission is not persuasive because this application is not eligible for PTA. Accordingly, the grounds of Office delay and applicant delay enumerated in 37 CFR 1.702-1.705 are not applicable to this application. Rather, the only grounds in which the applicants may receive administrative delay are enumerated in 37 CFR 1.701.<sup>3</sup> This application is not eligible for PTA because the international filing date of the application was filed prior to May 29, 2000.<sup>4</sup>

<sup>1</sup> Request for reconsideration of PTA was filed prior to/or with payment of the issue fee.

<sup>2</sup> The Office is unsure what applicants are asserting but the Office is construing this letter as a good faith and candor letter informing the Office of delays that were not assessed against applicant for failure to engage in reasonable efforts to prosecute the application under 37 CFR 1.704(b) or (c).

<sup>3</sup> Under PTE, applications filed between June 8, 1995 and May 28, 2000, applicants not assessed any reductions against patent term but the grounds in which applicants may receive additional term are limited.

<sup>4</sup> International filing date of this application is February 9, 1999.

After the mailing of this decision, the Office will forward this application to the Office of Patent Publications for a prompt issuance of the application into a patent.

The Office thanks applicants for their good faith and candor in bring any alleged discrepancies in the favor of applicants to the attention of the Office. Accordingly, the Office will not assess the required \$200.00 petition fee.

Any questions relating to this decision should be directed to Kery A. Fries, Office of Patent Legal Administration, at 571-272-7757.

A handwritten signature in black ink, appearing to read "Kery A. Fries".

Kery A. Fries  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of Deputy Commissioner for  
Patent Examination Policy